THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.21473 OF 2006

ORDER:

Pursuant to the notification issued by the 2nd respondent inviting applications for the post of Junior Accounts Officer, the petitioner had applied and appeared for the written test conducted on 24.4.2003. However, from the results declared in the Internet, it was found that she was not qualified. The petitioner who claims to have performed very well in the written test entertained a doubt that her answer sheet might not have been properly evaluated since the answer sheet provided to her was defective and did not contain the required number of boxes to fill-up the Roll Number. Hence, she requested the respondents to recheck her answer sheet and announce the correct result. Since there was no response, the petitioner filed W.P.No.21473 of 2003. The said writ petition was dismissed by this Court by order dated 14.10.2003, holding that the writ petition was not maintainable and granting liberty to the petitioner to approach the Central Administrative Tribunal. The petitioner filed O.A.No.1224 of 2003, pending which the Tribunal by order dated 14.11.2003 directed that one post of Junior Accounts Officer should be kept vacant until further orders. Subsequently, by order dated 17.6.2004, the Tribunal directed the respondents to produce the answer sheet as well as the mark sheet of the petitioner, by 5.7.2004. The respondents filed M.A.No.431 of 2004 to vacate the said order contending *inter alia,* that the Tribunal has no jurisdiction to entertain the Application and to grant the relief. Having heard both parties, the Tribunal, by order dated 12.8.2004, dismissed M.A.No.481 of 2004 and directed the respondents to comply the earlier order dated 17.6.2004. Questioning the same, the respondents filed W.P.No.17192 of 2004. A Division Bench of this Court dismissed the said writ petition at the stage of admission by order dated 7.10.2004. Aggrieved by the same, the

respondents herein filed an appeal being Civil Appeal No.1884 of 2006 before the Supreme Court. The said Appeal was allowed by order dated 1.4.2006, setting aside the order dated 14.10.2003 in W.P.No.21473 of 2003 as well as the order of the Division Bench dated 7.10.2004 in W.P.No.17192 of 2004 and remanding W.P.No.21473 of 2003 for fresh disposal.

Accordingly, the present writ petition has been listed for hearing.

I have heard the learned counsel for both the parties in detail and perused the material on record.

The grievance of the petitioner in nutshell is as under:

She was given the Roll No.JAO/03/11/10/10787 in the written test conducted on 24.4.2003. In the answer sheet provided to her, the first three letters i.e., JAO and two numbers were already printed on the top of the answer sheet and the candidates were instructed to fill up the rest of the Roll Number in separate boxes printed thereon. However, whereas the petitioner was required to fill up nine digits representing her Roll Number, the answer sheet did not contain sufficient number of boxes. When the said fact was brought to the notice of the Invigilator, she was instructed to fill up only the last four digits in the four boxes provided thereof. The petitioner suspected that the fact that she could not fill up the last one digit of her roll Number in the answer sheet might have resulted in wrong evaluation of her answer sheet through computer. Hence, the petitioner seeks a declaration that the action of the respondents in providing improper question and answer sheets as illegal and for a consequential direction to produce the answer sheet before this Court for proper assessment manually.

A counter-affidavit has been filed on behalf of the respondents, stating that the answer sheets provided to all the candidates in the said examination contained the same set of boxes and no prejudice was caused to the petitioner because of absence of one more box in her

answer sheet. The allegation that her answer sheet was not properly evaluated has been specifically denied and it is stated that no discrepancy was noticed in the evaluation of the answer sheet of the petitioner as alleged by her. It is also explained that the answer sheets were properly evaluated and the result was placed in the web site of the respondents following due process of law. Since the petitioner did not qualify in the written test, she was not selected.

From the counter-affidavit it is clear that it is not as if the petitioner was singled out in providing a defective answer sheet, but similar answer sheets were provided to all the candidates who appeared for the written test on 24.4.2003. The petitioner neither filed an affidavit in reply nor produced any material contradicting the said version of the respondents.

In the light of the specific plea taken by the respondents that the answer sheets provided to all the candidates in the examination contained the same set of boxes and that no discrepancy was noticed by the respondents while evaluating the answer sheet of the petitioner or any other candidate on account of mentioning the Roll Numbers, which stood unrebutted, the apprehension of the petitioner that her answer sheet might not have been properly evaluated on account of defect in mentioning the Roll Number is without any basis.

At any rate, nothing has been placed before this Court to show that there are any statutory Rules or Regulations governing the evaluation of the test conducted by the 2nd respondent. Even assuming that the petitioner was dissatisfied with her result, in the absence of any material to show that she acquired a right to demand the revaluation or personal inspection of her answer sheet and that the action of the respondents was in violation of any statutory provision and particularly in the absence of allegation of any mala fides, no Mandamus can be issued as prayed for.

Hence, the writ petition is dismissed. No costs.

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(G. ROHINI).

5th December, 2006.
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THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.21473 OF 2006

5th December, 2006.

Between:

K. Madavi Latha. .. Petitioner.

And

The Assistant Director (Rect.,)
Office of the Chief General Manager
Telecommunications, A.P.,
Suryalok Complex, Abids, Hyderabad and another. ..
Respondents.